

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA**

CLIFTONE SEMEDO,

Plaintiff,

vs.

CARLOS GALVAN, et al.,

Defendants.

CASE NO. CV-F-03-5169 OWW DLB P

ORDER DENYING PLAINTIFF'S MOTION
FOR A RULE 35 EXAMINATION

[Doc. 31]

Plaintiff is a state prisoner proceeding pro se and in forma pauperis in a civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff filed the amended complaint upon which this action proceeds on October 6, 2003 August 10, 1998.

On July 14, 2006, plaintiff filed a pursuant to Federal Rule of Civil Procedure 35 for a specialist examination. Plaintiff requests that he be examined by an outside doctor and that the doctor be appointed as plaintiff's expert for trial.

Rule 35(a) provides in relevant part, "When the mental or physical condition . . . of a party . . . is in controversy, the court . . . may order the party to submit to a physical or mental examination by a suitably licensed or certified examiner . . ." Fed. R. Civ. P. 35(a). The moving party must show good cause. Id.

Plaintiff's reliance on Rule 35 to obtain a medical expert to examine him is misplaced. In relevant part, Rule 35 is a mechanism by which a party, at that party's cost, may obtain an order for the

1 examination of an opposing party. Plaintiff's motion is therefore DENIED. If Plaintiff wishes to
2 arrange for an independent medical examination, he may do so without a Court order.¹

3 IT IS SO ORDERED.

4 **Dated: August 2, 2006**
3c0hj8

/s/ Dennis L. Beck
UNITED STATES MAGISTRATE JUDGE

27 _____
28 ¹ If Plaintiff is able to arrange for an independent examination but unable to facilitate the appointment due to his imprisonment, Plaintiff may request the Court's assistance in that capacity.